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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,261	09/26/2001	Shinichi Morimoto	P/1929-85	8415
7590	06/05/2006		EXAMINER	
Steven I. Weisburd, Esq. Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714			SIMITOSKI, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2134	
DATE MAILED: 06/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/963,261	MORIMOTO, SHINICHI
	<b>Examiner</b>	<b>Art Unit</b>
	Michael J. Simitoski	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. The response of 4/6/2006 was received and considered.
2. Claims 1-10 are pending.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.
4. It is noted that Applicant's amendments to the claims are not in compliance with 37 CFR 1.121(c). For example, claims 5 and 9 are recited with the status identifier "Original", yet appear to be amended. The response has been considered as a bona fide attempt, however, any further submissions not compliant with 37 CFR 1.121(c) will be treated as such, according to MPEP §714.
5. Regarding the amended limitation, Jones does not disclose broadcasting the authentication request information/new user (col. 3, lines 20-37).

### *Specification*

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification lacks wherein the base station does not broadcast the authentication request information.

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-10 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 5 & 9, and based upon their dependence, claims 2-4, 6-8 & 10, the specification does not disclose wherein the base station does not broadcast the authentication request information.

#### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 5 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,873,609 to Jones et al. (**Jones**) in view of “Router Plugins: A Software Architecture for Next Generation Routers” by Decasper et al. (**Decasper**). Jones discloses a base station/access operator RADIUS authentication server (col. 3, lines 20-37) including an interface portion for making a communication with a terminal station/PC and extracting authentication request information/new user and a reception packet/new user therefrom (col. 3, lines 20-37), a first authentication managing portion/RADIUS for determining whether or not to authenticate said

terminal station for a LAN/managed IP network (Fig. 1, #31) corresponding to said authentication request information received from said interface portion, transferring the packet received from said interface portion to said LAN/managed IP (col. 3, lines 20-37) when said terminal station has been authenticated for said LAN, and transmitting the packet received from said interface portion to said predetermined server or network-connected device/Access Operators registration server (col. 3, lines 20-37) when said terminal station has not been authenticated for said LAN (col. 3, lines 20-37), wherein said base station/access operator RADIUS authentication server does not broadcast the authentication request information. Jones lacks setting a result of the determination to a first packet distributing table and a first packet distributing portion for referencing registered contents of said first packet distributing table for the packet received from said interface portion and consulting the first packet distributing table for terminal authentication. However, Decasper teaches that high performance is achieved in a network decision device by storing the result of a determination in a cache and consulting the cache for result rather than the re-examining/authenticating (§3, ¶6 & P. 5, ¶2). By doing so, rather than authenticating each of Jones's packets, if the determination that the packet has been authenticated or denied authentication by the registration server, the cache is updated with the resulted and consulted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to set a result of the determination to a first packet distributing table/cache and to include a first packet distributing portion for referencing registered contents of said first packet distributing table/cache for the packet/new user received from said interface portion and consulting the first packet distributing table/cache for terminal

authentication. One of ordinary skill in the art would have been motivated to perform such a modification to achieve high performance, as taught by Decasper (§3, ¶6 & P. 5, ¶2).

11. Claims 3-4 & 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cropper**, as applied to claims 1-2 & 5-7 above, in further view of U.S. Patent 6,397,056 to Bugnon et al. (**Bugnon**). Cropper lacks issuing an authentication request to an inner LAN authentication server and setting a response to the authentication request in the packet distribution table. However, Bugnon teaches that in order to reduce fraud in radio telecommunications networks, networks include an authentication center, which is normally co-located with the HLR (col. 1, lines 27-30). Each subscriber has an authentication key, which is used to authenticate the mobile terminal (col. 1, lines 31-45, col. 2, lines 47-64 & Fig. 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cropper to issue an authentication request to an inner LAN authentication server and setting a response to the authentication request in the packet distribution table, instead of using plaintext identifiers. One of ordinary skill in the art would have been motivated to perform such a modification to reduce fraud in radio telecommunications networks, as taught by Bugnon (col. 1, lines 31-45, col. 2, lines 47-64 & Fig. 5).

12. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cropper** in view of U.S. Patent 6,606,491 to **Peck**. Cropper discloses a system, as described above, but lacks explicitly registering a refusal in the packet distributing table if the terminal station has not been authenticated. However, Peck teaches that in mobile telecommunications systems, it is

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known to check a blacklist of mobile numbers when authenticating to deny access not only if the terminal is not authenticated, but also if the terminal is a stolen terminal (col. 1, lines 36-46, lines 50-54, lines 58-65, col. 5, lines 4-7 & col. 8, lines 15-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cropper to explicitly register an authentication refusal/blacklisted mobile terminal in the packet distributing table. One of ordinary skill in the art would have been motivated to perform such a modification to deny access if the terminal is a stolen terminal, as taught by Peck (col. 1, lines 36-46, lines 50-54, lines 58-65, col. 5, lines 4-7 & col. 8, lines 15-17).

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached at (571) 272-6962.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300  
(for formal communications intended for entry)

**Or:**

(571) 273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJS



May 22, 2006



A rectangular official USPTO stamp with a decorative border containing the text "U.S. PATENT AND TRADEMARK OFFICE" and "SEARCHED, SERIALIZED, INDEXED, FILED". The date "MAY 22 2006" is stamped in the center.